# Rawls aff

Neg must read procedural interpretations and T definitions in cross x. I will either change the aff to meet the interp or concede a violation. This is better for Education because we can debate about the topic rather than theory which is only helpful in terms of debate. It also turns their fairness arguments because it helps resolve side bias by getting rid of an unturnable argument that can only be won by the aff with an rvi which skews more time. Moroever, they get to give the nc without abuse on the flow because I will get rid of unfair arguments.

I value morality as implied by ought. Ought implies normativity because it’s most predictable. LD was creates as values debate which means it’s the only fair interp.

Part 1 is ethical constraints

A. Cognitivism is true. Moral statements must be truth-apt-Subjectivist moral expressions make moral deduction impossible because each expression would be a change from the last one.

**Van Roojen**, Mark, "Moral Cognitivism vs. Non-Cognitivism", The Stanford Encyclopedia of Philosophy (Spring 2011 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/spr2011/entries/moral-cognitivism/>.

A recent objection to non-cognitivism pays close attention to the distinction between explaining logical relations on the one hand, and explaining the use of moral judgments in reasoning on the other. Even if the embedding problem is solved, so that we know what moral utterances mean and what complex sentences embedding them also mean, we might still think it irrational to reason in accordance with ordinary logical principles applied to such judgments. The basic idea here is that **conditionals with moral antecedents and nonmoral consequents should**, together with the moral judgment in the antecedent, **license acceptance of the consequent**. Thus someone who accepts such conditionals would be rational to infer the consequent upon coming to accept the antecedent. But **if expressivism is correct, accepting the antecedent just is holding a non-cognitive attitude. Thus the licensed inference is really a form of wishful thinking, for a non-cognitive change of attitude has licensed a change of belief**. **For example, suppose someone accepts a judgment expressible by saying, if doing an action is wrong, George will do it. Normally we think that it would be rational for that person to infer the belief that George will hit Sam upon coming to accept that hitting Sam is wrong. But, according to noncognitivism, coming to accept that hitting Sam is wrong is just a change of non-cognitive attitude**, and it can seem wrong to think that a change in such attitudes can rationalize a change in belief. **It looks like the non-cognitivist is committed** to approving of something analogous to **wishful thinking.** That is they believe something, not because of a change in their evidence, but because of a change in attitude alone (Dorr 2002). Non-cognitivists will resist by suggesting that the conditionals themselves are only rational to accept when one thinks that changes of mind about the antecedent will depend on beliefs about facts that are evidentially relevant to the conclusion. How far this strategy can be made to work is as yet an open question.

And

The impact is morality is objective.

More warrants

First, infinite regress-subjective moral statements can conflict making firm statements about morality impossible. Second, paradox-Subjectivity makes the objective statement that objectivity is false. Third, There’s no metaphysical difference between people so there’s no reason they should be treated differently. This means obligations towards people should always be the objectively the same.

B. Motivational Internalism-Ethics must motivate ethical agents. First, No link to the value- If motivational externalism is true morality ceases to be a guide for action because people will just disregard it. Second, Arbitrary-Externalism denies any form of ethics that requires a reason because it says that the agents reasons are irrelevant. If reasons weren’t relevant we wouldn’t have to justify normative systems. Third, No link to ethics-If moral actions don’t have any motivating component then nobody would ever take an ethical action because there would always be an overriding desire.

C: Naturalism is false-warrants for moral theories must come prior to existence.

Naturalism is epistemically flawed.

**Stelzig** –  B.A (Tim, March, “COMMENT: DEONTOLOGY, GOVERNMENTAL ACTION, AND THE DISTRIBUTIVE EXEMPTION: HOW THE TROLLEY PROBLEM SHAPES THE RELATIONSHIP BETWEEN RIGHTS AND POLICY”, 146 U. Pa. L. Rev. 901, Lexis Law, S) 1998.

Take first the epistemological problem. Every view of morality must ultimately give some account of how it is that we come to know what is right. An otherwise impressive moral metaphysics is pointless if epistemologically implausible. 103 With general norms, it is plausible that we may come to learn them gradually, refining our understanding through practice**. Naturalistically learning through practice**, however, **is foreclosed** to one who sees deontology as both pervasive and particularist. **Almost every situation is morally different from the rest, even if only slightly so**. If deontology is exhaustive of morality, **there must be a separate injunction for each situation**. **The epistemological** [\*922] **problem is that learning an essentially infinite number of separate rules to govern our conduct is implausible**. It initially might be thought that the epistemological problem could be overcome by allowing generality within the specific norms, thus making it possible for the student of morality to learn these general principles and then derive the specific deontological prohibitions from them. The trouble with this response is that the important theoretic work is performed by the underlying principles by which the specific deontological maxims can be learned. This is problematic because theoretic entities are abstract. As such, Ockham’s Razor 104 and the principles of pragmatism 105 dictate that we do better to recognize conceptually the general principles. There is no logical inconsistency in positing a deontological norm for every morally distinct situation. But if pervasive, deontological maxims would be superfluous. Thus, it is theoretically preferable to deny them this exclusivity. 106 Suppose the epistemological problem can be skirted by allowing that some theoretically benign generality informs our moral understanding. If deontology may be exhaustive without being particularist, then a separate objection, the conflicts problem, arises. As was true of the epistemological problem, the conflicts problem arises because morality has something to say about almost everything. Because the world is complex, if rights are general, then the evaluation of most morally interesting situations will either depend on more than one rights claim or on some other moral element, each problematic for the claim that deontology is exhaustive of morality. The reason is structural. Our moral intuitions are highly nuanced – often minor changes to a factual situation alter the normative evaluation of that situation. But since a limited number of general norms, because they are general, cannot account for this contextual sensitiv ity, some other explanation must be offered. Positing a greater number of more specific deontological norms could account for this factual sensitivity. Doing so, however, threatens to reincarnate the epistemological problem. If our norms are relatively few in number, thereby putting them within our epistemic reach, either many norms will apply to each situation to give us the contextual sensitivity that is evident, or some other principles must be at work.

More warrants

First, Is/ought fallacy-Naturalism says we derive what we ought to do from what is already happening. Second, Begs the question- Naturalism can only prove itself true without the use of non-natural logic. Third, Non-verifiable-people have different sensory experiences which makes the natural world different for different people. It’s impossible to come up with a stable ethical theory from that. Fourth, Open question argument-Even if we determine that some natural object is good sthat still leaves the open question of whether our desiring of that thing is good. Desiring of natural objects leads to infinite regress. And. We can weigh the relevance of these ethical constraints against each other in later speeches. There aren’t nibs for me or them.

Part 2 is ethics

My criterion is consistency with principles found in the original position. And. Thus all contention arguments must link to a conception of what rational agents would choose behind the veil of ignorance.

A: It’s objective and consistent with non-naturalism because people abstract themselves from their interests.

**Freeman** , Samuel, "Original Position", The Stanford Encyclopedia of Philosophy (Spring 2009 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/spr2009/entries/original-position/>.

In addition to expressing our autonomy, **the original position is** also **objective** (TJ, 587/514). It is objective in that **it requires that the parties** all adopt a common standpoint and **make a** considered **rational choice under impartial conditions that require them to abstract from their** particular **interests** and circumstances; moreover they are all motivated by higher-order interests in their moral powers, which represent their “nature as free and equal rational beings.”Finally, **the O[riginal] P[osition] is designed to incorporate all the relevant reasons and restrictions on arguments for principles of** social and political **justice** (TJ, 18/16). In so far as **the O[riginal] P[osition] is an appropriately defined objective point of view incorporating all relevant moral reasons and conditions on rational choice of principles** of justice, **and the parties** therein **come to a unanimous agreement**, **then the principles agreed to are also objective** (TJ, 516-517/453). Together with the universality requirement, we can infer from the objectivity of the principles of justice that they apply to and are binding on all persons in all societies. For as Rawls says of the original position in concluding TJ, “to see our place in society from the perspective of this position is to see it sub specie aeternitatis: it is to regard the human situation not only from all social but also all temporal points of view” (TJ, 587/514).

B: The original position has motivating force while remaining objective

**Rawls**, John. A Theory of Justice. 1971.

In justice as fairness **the original position of equality corresponds to the state of nature in the traditional theory of the social contract.** This original position is not, of course, thought of as an actual historical state of affairs, much less as a primitive condition of culture. It is understood as a purely hypothetical situation characterized so as to lead to a certain conception of justice.5 Among the essential features of this situation is that **no one knows his place in society**, his class position or social status, nor does any one know his fortune in the distribution of natural assets and abilities, his intelligence, strength, and the like. I shall even assume that the parties do not know their conceptions of the good or their special psychological propensities. **The principles of justice are chosen behind a veil of ignorance. This ensures that no one is advantaged or disadvantaged** in the choice of principles by the outcome of natural chance or the contingency of social circumstances. Since all are similarly situated and no one is able to design principles to favor his particular condition, the principles of justice are the result of a fair agreement or bargain. For given the circumstances of the original position, the symmetry of everyone’s relations to each other, this initial situation is fair between individuals as moral persons, that is, as rational beings with their own ends and capable, I shall assume, of a sense of justice. The original position is, one might say, the appropriate initial status quo, and thus the fundamental agreements reached in it are fair. This explains the propriety of the name “justice as fairness”: it conveys the idea that the principles of justice are agreed to in an initial situation that is fair. The name does not mean that the concepts of justice and fairness are the same, any more than the phrase “poetry as metaphor” means that the concepts of poetry and metaphor are the same. Justice as fairness begins, as I have said, with one of the most general of all choices which persons might make together, namely, with the choice of the first principles of a conception of justice which is to regulate all subsequent criticism and reform of institutions. Then, having chosen a conception of justice, we can suppose that they are to choose a constitution and a legislature to enact laws, and so on, all in accordance with the principles of justice initially agreed upon. Our social situation is just if it is such that by this sequence of hypothetical agreements we would have contracted into the general system of rules which defines it. Moreover, assuming that the original position does determine a set of principles (that is, that a particular conception of justice would be chosen), it will then be true that whenever social institutions satisfy these principles those engaged in them can say to one another that they are cooperating on terms to which they would agree if they were free and equal persons whose relations with respect to one another were fair. They could all view their arrangements as meeting the stipulations which they would acknowledge in an initial situation that embodies widely accepted and reasonable constraints on the choice of principles. The general recognition of this fact would provide the basis for a public acceptance of the corresponding principles of justice. No society can, of course, be a scheme of cooperation which men enter voluntarily in a literal sense; each person finds himself placed at birth in some particular position in some particular society, and the nature of this position materially affects his life prospects. Yet **a society satisfying the principles of justice** as **fairness comes as close as a society can to being a voluntary scheme, for it meets the principles which free and equal persons would assent to** under circumstances that are fair. In this sense its members are autonomous and the **obligations** they recognize **[are] self-imposed.**

C: Humans can be separated from their identities because identity is not a static concept it’s dynamic. For example a person can be nice one day and mean the next meaning their identity can change based on outside factors ie: being put into the original position.

And

Generic Rawls answers are not responsive unless you impact them to the ethical constraints. If it’s not impacted in the NC you should disregard NR extrapolations.

Part 3 is Offense

A: The inability to know one’s identity as criminal, victim, or general member of society behind the veil of ignorance implies rehab over retribution.

**Scarborough** [Mark](http://houseofpoliticalthought.wordpress.com/author/scazza2604/) Prison Reform and the Original Position Posted on [November 27, 2012](http://houseofpoliticalthought.wordpress.com/2012/11/27/prison-reform-and-the-original-position/) by. This extract is modified from the Author’s Masters Dissertation ‘Prison Reform and the Function of Prisons: Does Determinist Psychological Evidence Require a Reformed Role for Prisons and Human Rights?http://houseofpoliticalthought.wordpress.com/2012/11/27/prison-reform-and-the-original-position/

If the creation of a new type of criminal justice and prison system is aimed at, **a good approach to build** **[criminal justice]** it from **would be to enter the ‘original position’**, as characterised by John Rawls in his book [A Theory of Justice](http://books.google.co.uk/books/about/A_Theory_of_Justice.html?id=b7GZr5Btp30C" \t "_blank). This ‘position’ is a philosophical tool and is a hypothetical position that allows for thought to emancipate from equality and be devoid of any unnecessary influences and biases when thinking (this being known as the veil of ignorance). Essentially, the beings that enter this position are unaware of any personal characteristics about themselves or another that may cloud their judgements or make them bias. As such, any decisions arrived at will give equal and fair consideration to all angles. Of course, Rawls used this position to help establish the foundational principles upon which society and its institutions should be built, and so it could be used here to help understand how the criminal justice system, and more specifically the prison system, should operate. The approach suggested here is simply that when considering how prisons should be structured, **it is sensible for the thinkers to operate under a veil of ignorance. This would require thought to protrude free from considerations about the present prison system, about any personal experiences of crime and victimhood, and** indeed from **any preconceptions about what works or does not work.** The beings undertaking this exercise should be only concerned with the nature of human behaviour and how to successfully respond, alter and influence it based upon empirical concepts. Ultimately, **the beings do not know if they will be victims, criminals or ordinary members of the public when they** revert back to normality and **re-enter society.** In this position of ignorance about personal circumstances, they are able to approach criminal justice from a fair consideration of all of those angles and so work out an approach that fairly satisfies all of them. If consideration is then given to what was stated in the introduction about whom the criminal justice system is primarily concerned, a new category of ‘prisoner’ should be also built in. **The** **criminal justice system should work for victims, the general public AND the offenders**. When placed under the veil, it would seem rational to think along the following lines: A society has structured itself in such a fashion that a legal system exists that has enforceable laws and regulations to govern the behaviour of those subjected to them. However, some subjects go on to break those laws. A sensible approach would then be to consider why this has occurred. Based on evidence of free will and behaviour, it could be concluded that the persons so acting have done so due to some influences beyond their control. Their criminal intentions arise unconsciously and so pure, unfettered control over actions does not really exist. However, due to the compatibilist approach to moral responsibility, it would still be possible to hold them morally responsible as their conscious minds have not been directly coerced. Knowing this, how should the state respond to deviant behaviour? Arguably the state should try and affect the determined instincts of the deviant. How can this be done? The individuals would be required to attend correctional treatments. The key test to the above system would be to ask the following questions: would this approach satisfy victims? Yes, as criminals will be convicted, their wrongs exposed and the dangerous will be placed away from society to try and rectify their behavioural defects. Indeed, **restorative approaches may also be included in correctional treatment** regimes. Would it satisfy the general public? Yes, because **criminals will be incapacitated from committing further crime due to being removed** from the streets **and will be rehabilitated** to reduce reoffending.Finally, would criminals be satisfied? Yes, **a compassionate system that recognises their struggles and attempts to help solve them is something that can be welcomed. Notice** here how the concept of **punishment has not been mentioned and** the concept of **rehabilitation or resocialisation is extremely prominent.** As can be seen then, **the present prison system does not really consider the needs of the offenders.** Naturally, it is most politically advantageous to ignore their needs, yet the needs of victims, the general public and the offenders are intricately interlinked. To be able to best protect the public from reoffending criminals, and reduce future victims, offenders must have their [criminogenic needs](http://ojj.la.gov/ojj/files/What_Are_Criminogenic_Needs.pdf" \t "_blank) addressed**. If a being is placed in under the veil of ignorance,** it could be theorised that **two** further important **ideas thus emerge**, as already hinted at. **The first one relates to the redundancy of** the punishment and **retribution** function of prison and **the second relates to the ascendancy of** the **resocialisation** function.

B: Lack of rehabilitation ignores psychological factors related to crime and makes no attempt at resocialization.

**Ward** Tony. Dignity, Virtue, and Punishment: The Ethical Justification of Disciplinary Segregation in

Prisoners. Journal of Theoretical and Philosophical Criminology Special Edition, Vol. 1, November, 2010: 98-109. http://www.jtpcrim.org/December\_2010/Dignity-Virtue-The-Ethical-Justification-of-Disciplinary-Segregation-in-Prisoners.pdf

Andre (2002) has recently proposed that communities and institutions can be assessed from the perspective of virtue theory. First, the culture of a community or an institution might facilitate the flourishing and well-being of individuals through the nature of its policies and practices independently of the character traits of the individuals who work, or live, within it. A community with harsh law and order policies where offenders are viewed as moral strangers is unlikely to make a significant effort to welcome them back once they have served their sentences. Second, **a prison with an anti rehabilitation culture may regard offenders’ psychological problems as ethically irrelevant and fail to appreciate the extent to which subsequent disciplinary infractions are, at least partially, caused by them**. Andre suggests that stable features of institutions can be conceptualized as analogous to character traits in individuals and therefore, be the subject of ethical evaluation. In the above two examples the institutionally rooted **pejorative view[s] of offenders and lack of appropriate concern for their suffering reveals** a considerable degree of callousness and **lack of empathy,** both serious moral flaws (vices). I suggest that scrutinizing criminal justice systems from this viewpoint would further boost Bersot and Arrigo’s overall argument for the utility of virtue ethics. It seems to me that neither Consequentialism nor Formalism has the theoretical resources to extend their scope in this way.

And

The original position obligates us to recognize the effects of mental health.

**Ikkos,** George, Jed Boardman and Tony Zigmond. Talking liberties: John Rawls's theory of justice and psychiatric practice. Journal of continuing professional development. Advances in Psychiatric Treatment (2006), vol. 12, 202–213http://apt.rcpsych.org/content/12/3/202.full.pdf

**For Rawls**, **respect is related to mutuality**, **which implies** recognition of others and, in his terms, means **respecting the needs of those who are unequal. In psychological terms this may be reflected in the idea of autonomy**, **which in this case means accepting in others what one does not understand about them**. **In so doing, we treat their autonomy as equal to our own**. From the stance of the work of mental health professionals **a view of social justice for those who may be chronically disadvantaged is crucial**: ‘In society, and particularly in the welfare state, the nub of the problem we face is how the strong can practice respect towards those destined to remain weak’ (Sennett, 2003: p. 263). This is related to what Rawls names his Aristotelian principle, which is concerned with equal human beings enjoying the exercise of their realised capacities ‘and this enjoyment increases the more the capacity is realised, or the greater its complexity’ (Rawls, 1971: p. 414). Here Rawls is suggesting that there is a positive circle between proficiency and pleasure, which may be seen in the creation of access to open employment, a component of citizenship and social inclusion (Boardman, 2003). This aspect of Rawls may be seen to inform, or form the basis of, our political and moral views on mental health promotion and the value of meaningful activity in mental health.

## \*\*\*LARPER PRE-EMPTS

# Disad pre-empt module

#. Disads must be intrinsic to the aff.

If a rational policy maker could do the action that causes the uniqueness claim and still do the aff at the same time the DA is not intrinsic.

A: predictability-tradeoff arguments are impossible for me to predict because a rational policy maker doesn’t consider how one decision will affect other decisions that they can make. They only consider the impact of passing legislation individually so there’s no topic lit on the issue.

B: Topic education-non-intrinsic disads take away from topic debate because it’s simply a trade-off between doing the topic and other tangential issues.

#. Disads with specific scenarios must be disclosed on the NCDA wiki at least 24 hours before the debate

A: predictability-I can’t predict random DA scenarios unless I know what they are before the round. Policymaking can good, but one side is always advantaged when we role play policymakers if they are the only one that knows the scenario. Equal win percentages in policy prove disclosure is good in scenario debates.

B: Clash-nobody answers disads in LD because they don’t have evidence on obscure disads. Give the aff a chance on the link debate by forcing disclosure. That way you can have clash on the DA rather than the same rehashed framework debate that excludes the impact of the DA.

#. Right now, I defend the resolution on balance which means that link evidence can’t just link to the whole resolution.

# Must defend the converse of the resolution not a counter-plan

#. Neg must defend that retribution ought to be valued above rehabilitation. They cannot defend a counterplan that does something else or permissibility.

A-reciprocity-the converse is the definition of reciprocal because it gives the neg a burden of proof too. They also have to prove their advocacy is good.

Moreover,

Granting permissibility and the converse gives the neg 2 ways to win whereas I can only prove obligation. They have a quantitative ground benefit.

B-predictability-my interp most predictable because it is the exact opposite of the aff. There are infinite amounts of cps the neg can advocate which means I have a higher research burden than them.

# Pics bad

#. Neg advocacies cannot do part of the aff case.

A-Ground-I have to start over in the 1ar without the ability to leverage my offense because they solve all of it. The only way I can generate offense is off of their arguments

B-predictability-They will always have more prep for a specific pic than I do because they know the aff is irrelevant and they just have to focus on the net-benefit. They won’t lose because they’ll have better research if they know what the debate is going to be about.

# Da’s and cps not neg ground

Disads and counterplans that link or compete based on aff implementation are not neg ground.

**Cahill** Michael. Retributive Justice in the Real World. Washington University Law Review, Vol. 85, p. 815, 2007; Brooklyn Law School Legal Studies Paper No. 77. pp 817-818.

By contrast, **retributivism**, **which adopts a backward-looking perspective** **focusing on the moral duty to punish** past wrongdoing, **is a justificatory theory**, **but** seemingly **not a prescriptive one**. 8 It offers retribution as a justifying ideal but does not explain how legal institutions are supposed to make retribution real. 9 To the extent retributivism offers guidance about its own operation in practice, **it speaks only to the content of criminal law rules, and not to their implementation.** 10 Retributive principles may identify what the law should criminalize, 11 and might even say something about the proper idealized level of punishment for those crimes relative to each other. 12 As to matters of application, however, **retributivists tend to focus** only **on the** resolution of individual (often **hypothetical**) cases where an offender’s behavior is known or stipulated. 13 Their theories offer no clear guidance as to more general issues of implementation in a system bound by resource constraints, imperfect information, and other limitations. They do not tell underfunded police and overworked prosecutors how to prioritize, or when, if ever, to compromise. **If all offenders cannot be caught, how should the police set priorities in their enforcement agenda?** Can, or should, prosecutors enter into plea bargains or give one offender less (or no) punishment for the sake of convicting another? **Retributivism offers no obvious answers** to these questions, or else seems to give unrealistic answers. Hence the failure of the Ashcroft policy, which shared retributive theory’s focus on desert but also its myopia regarding practical constraints.

## \*\*\*TRICKS DEBATER PRE-EMPTS

# Must run a counteradvocacy

#. Neg must defend a counteradvocacy with a text that contains offensive arguments that link to a standard. The advocacy must be defended unconditionally and must be advocated by a solvency advocate.

A-reciprocity-Neg advocacies are the definition of reciprocal because it gives the neg a burden of proof too. They also have to prove their advocacy is good.

and,

Pure truth testing gives the neg infinite assumptions to disprove whereas I must prove the rez true. They have a quantitative ground benefit.

And

Forcing offense to link to a standard is reciprocal because aff offense already only links to a standard. This is a question of actual abuse.

B- Stable ground-I can’t know what I’m arguing against if there is no text to it. They can always sever my arguments if they don’t defend a text by shifting their advocacy in the nr.

C-topic lit-without an empirical solvency advocate I can’t make comparative arguments about how the aff would solve better than their advocacy which means they can always rely on speculative claims.

# Presumption flows aff

#. if they are theoretically legitimate permissibility and presumption flow aff

A. It’s harder to affirm because of side skew so an equal debate means I did the better debating.

B. We should err of rehab because some retributive punishments like life without parole and the death penalty are irreversible whereas rehab can be temporary.

C. Neg gets more flexibility because they hear the aff and then get to respond to it whereas I have to come into the round not knowing what the neg is.

D. neg gets longer speech times than me meaning they can make more offensive arguments than I can forcing me into harder issue selection in the 1ar whereas they can go for everything I undercover in the 1ar in the nr.

E. Policy changes give the impression of progress so they are more preferable than the status quo.

F. aff has to be held down to the text of the resolution whereas the neg doesn’t face topicality arguments. This skews the round in their favor.

G. neg has access to pic’s so they can nonunique most of the aff making it hard for me to have offense going into the 1ar.

## 

## \*\*\*THEORY/T HAPPY PRE-EMPTS

# RVI

#. Neg must concede that I meets and net-beneficial counter-interpretations to procedurals are an rvi for the aff.

A: checks abusive theory-Neg won’t run theory unless I’m actually abusive if there’s a conceded rvi going into the NC. Allowing them to argue about it links into the argument because it proves they’re not sure if the abuse is actually there and want to hedge their bet by winning RVIs bad.

B: Reciprocity-just because it’s a framing issue doesn’t mean it can’t be unfair. If there’s no turn ground on the argument it’s functionally a nib. Theory itself is abusive unless it’s an rvi

And

They will say this justifies running an abusive aff to go for the rvi in the 1ar, but if my aff is actually abusive then I wouldn’t be able to win that debate.

# Reasonability

#. Neg must prove a brightline for what is abusive and prove that I violate it to win theory

Competing interps is bad

A: it says we should have the best debate, but that means we should be consistent with the most hyperspecific rules that are the most fair and most educational which means rules under competing interps only justify one possible round which would defeat the purpose of debate.

B: It’s impossible to determine what is the best version of debate in a 45 minute debate. People have been arguing over the best debate norms for years and this round won’t solve it.

# T is a no link argument

#. T is not a voting issue it’s a no link argument-I advocate the resolution which means definition issues related to my offense proves that the offense doesn’t link to my advocacy. They have no T ground.

## \*\*\*PHILOSOPHY PRE-EMPTS

# AFC

#. Neg must concede to the aff framework if it is theoretically legitimate

A-Time skew-they can make 7 minutes of preclusive framework arguments which would nullify 6 minutes of Aff framing and offense.

B-Topic education-framework debate forces us to have the same rehashed philosophy debates with the same cards over and over again. Only my interp forces them to talk about the topic.

C-Philosophical education-We get to learn how topic arguments interact with different philosophical frameworks when we use the aff framework every round. The same rehashed philosophy debates are not as philosophically educational as debating the links between applied philosophy and normative frameworks.

And

Counter-interps that say they must be able to contest the framework are not actually offensive. The mandate of that counter-interp is arbitrary and not justified by generic standards contestation. They have to win neg gets rvis for that argument to matter.

# O.P better than util and contracts

#. The Rawlsian formulation co-opts warrants for utilitarianism and contract based arguments

**Wenar**, Leif, "John Rawls", The Stanford Encyclopedia of Philosophy (Fall 2008 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/fall2008/entries/rawls/>.

Moreover, **Rawls says, a society governed by his two principles has other advantages over a utilitarian society. Securing equal basic liberties for all encourages a spirit of cooperation among citizens on the basis of mutual respect, taking divisive conflicts about whether to deny liberties to certain groups off of the political agenda.** By contrast **a utilitarian society would be riven by mutual suspicions, as different groups put forward highly speculative arguments that average utility could be increased by implementing various partisan policies. The two principles, by requiring permanent equal liberties for all, increase social harmony by making it much easier for justice to be seen to be done.** The balance of considerations in favor of the two principles over average utility is, Rawls claims, decisive.

#. and-existential risk arguments based on agnosticism are irrelevant because the deliberation isn’t by actual humans it is by hypothetical contractors.

# O.P. better than deont

#. The original position co-opts warrants for deontology.

**Freeman 2** , Samuel, "Original Position", The Stanford Encyclopedia of Philosophy (Spring 2009 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/spr2009/entries/original-position/>.

In A Theory of Justice Rawls provides a “Kantian Interpretation” of the original position and the principles of justice (TJ, §§40, 78). The Kantian interpretation is the first step towards Rawls's Kantian constructivism (CP, Ch. 16), and his later political constructivism (PL, Ch. 3). Rawls says that for Kant, “a person is acting autonomously when the principles of his action are chosen by him as the most adequate possible expression of his nature as a free and equal rational being” (TJ, 252/222). **What is missing from Kant**, Rawls says, **is an attempt to show how moral principles express our nature. “This defect is made good [by] the original position”** (TJ, 255/224). **The original position can be interpreted as a “procedural interpretation” of our nature as free and equal rational beings, and therewith of Kant's conception of autonomy and the categorical imperative** (TJ, 256/226). For **in the original position, because of the veil of ignorance and other moral constraints, the parties' choice is made “independent of natural contingencies and accidental social circumstances”** (TJ, 515/451); thus the principles of justice are not chosen “heteronomously,” on the basis of our social position, natural endowments, particular wants, or the particular kind of society we live in (TJ, 252/222). Instead, the parties are all represented in the same way, as free and equal rational persons who choose principles of justice subject to all relevant moral conditions. Rawls says that the original position might thus be regarded as incorporating “conditions that best express their nature as free and equal rational beings.” On a Kantian view, our moral nature is defined by our capacities for practical reasoning.. These are our capacities to be rational and reasonable. The moral powers are the relevant capacities of practical reasoning in so far as they bear on justice. “**Acting autonomously is acting from principles that we would consent to as free and equal rational beings”** (TJ, 516/453). The description of **the original position expresses** “**what it means to be a free and equal rational being,”** and even “resembles the point of view of noumenal selves” (TJ, 255-256/225)

## \*\*\* K debater pre-empts

# Must choose between pre/post fiat

#. Neg offense must be either post-fiat or pre-fiat. They may not have impacts to both.

A-stable world- neg can pick which world it goes for in the next speech, so aff arguments have to be tailored to specifically either the post-fiat scenarios or the pre-fiat. I need a stable reference world for impact comparison and offensive argumentation.

B-Reciprocity-aff makes no pre-fiat claims which means that they can artificially create a reason for why their offense comes first.

# Counter-advocacies must have the same agent

#. Neg advocacies must have the same agent as the aff.

A-Reciprocal fiat power: Neg gets greater fiat power when they can specify another agent. They can always find an alternative actor with a marginal net benefit while I must use the U.S. to be topical. This makes it impossible to affirm because the neg can always change the actor and co-opt all of the aff advantages.

B-Real world-There is no position that the judge could adopt in the real world where they would be choosing between two different actors to take an action. It would be illogical to have a debate about competing advocacies that would never compete in the real world.

## \*\*\*Specific schools

# Loyola-ac

1. my framework co-opts warrants for utilitarianism and community based arguments

**Wenar**, Leif, "John Rawls", The Stanford Encyclopedia of Philosophy (Fall 2008 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/fall2008/entries/rawls/>.

Moreover, **Rawls says, a society governed by his two principles has** other **advantages over a utilitarian society. Securing equal basic liberties for all encourages a spirit of cooperation among citizens on the basis of mutual respect, taking divisive conflicts about whether to deny liberties** to certain groups **off of the political agenda.** By contrast **a utilitarian society would be riven by mutual suspicions, as different groups put forward** highly speculative **arguments that average utility could be increased by** implementing various **partisan policies. The two principles, by requiring permanent equal liberties for all, increase social harmony** by making it much easier for justice to be seen to be done. The balance of considerations in favor of the two principles over average utility is, Rawls claims, decisive.

2. The original position co-opts warrants for deontology.

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3. Neg must concede to the aff framework if it is theoretically legitimate

A-Time skew-they can make 7 minutes of preclusive framework arguments which would nullify 6 minutes of Aff framing and offense.

B-Topic education-framework debate forces us to have the same rehashed philosophy debates with the same cards over and over again. Only my interp forces them to talk about the topic.

C-Philosophical education-We get to learn how topic arguments interact with different philosophical frameworks when we use the aff framework every round. The same rehashed philosophy debates are not as philosophically educational as debating the links between applied philosophy and normative frameworks.

And

Counter-interps that say they must be able to contest the framework are not actually offensive. The mandate of that counter-interp is arbitrary and not justified by generic standards contestation. They have to win neg gets rvis for that argument to matter.

# Wentachee-ac

1. my framework co-opts warrants for utilitarianism and community based arguments

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2. Disads and counterplans that link or compete based on aff implementation are not neg ground.

**Cahill** Michael. Retributive Justice in the Real World. Washington University Law Review, Vol. 85, p. 815, 2007; Brooklyn Law School Legal Studies Paper No. 77. pp 817-818.

By contrast, **retributivism**, **which adopts a backward-looking perspective** **focusing on the moral duty to punish** past wrongdoing, **is a justificatory theory**, **but** seemingly **not a prescriptive one**. 8 It offers retribution as a justifying ideal but does not explain how legal institutions are supposed to make retribution real. 9 To the extent retributivism offers guidance about its own operation in practice, **it speaks only to the content of criminal law rules, and not to their implementation.** 10 Retributive principles may identify what the law should criminalize, 11 and might even say something about the proper idealized level of punishment for those crimes relative to each other. 12 As to matters of application, however, **retributivists tend to focus** only **on the** resolution of individual (often **hypothetical**) cases where an offender’s behavior is known or stipulated. 13 Their theories offer no clear guidance as to more general issues of implementation in a system bound by resource constraints, imperfect information, and other limitations. They do not tell underfunded police and overworked prosecutors how to prioritize, or when, if ever, to compromise. **If all offenders cannot be caught, how should the police set priorities in their enforcement agenda?** Can, or should, prosecutors enter into plea bargains or give one offender less (or no) punishment for the sake of convicting another? **Retributivism offers no obvious answers** to these questions, or else seems to give unrealistic answers. Hence the failure of the Ashcroft policy, which shared retributive theory’s focus on desert but also its myopia regarding practical constraints.

3. T is not a voting issue it’s a no link argument-I advocate the resolution which means definition issues related to my offense proves that the offense doesn’t link to my advocacy. They have no T ground.

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# Wentachee 1ar-death penalty cp

1. No study can determine if executions deter crime. This makes all of his crime arguments low magnitude and low probability.

**Stubbs**, Casey. The Death Penalty Deterrence Myth: No Solid Evidence That Killing Stops The Killing Posted: 06/18/07 01:43 PM ET. http://www.huffingtonpost.com/cassy-stubbs/the-death-penalty-deterre\_b\_52622.html

The truth is that **it might be impossible to determine a true statistical relationship between homicides and executions because the number of executions is so small compared to the number of homicides.** But what **we can say with certainty is that there is no legitimate statistical evidence of deterrence.**

2. The yahyah evidence which cites the Zimmerman study is flawed. The calculation for the confidence of the study was miscalculated.

USES AND ABUSES OF EMPIRICAL EVIDENCE IN THE DEATH PENALTY DEBATE John J. Donohue\* and Justin Wolfers\*\*

Some of these same **problems with statistical inference recur in** Paul **Zimmerman’s** 2004 **study**.103 While several aspects of his approach are similar to those of Dezhbakhsh, Rubin, and Shepherd, there are two important differences: **he exploits state-level data (over the sample from 1978 to 1997),** and he uses a different set of instrumental variables. Specifically, Zimmerman argues that characteristics of homicides affect the resolve of the authorities to apply the death penalty, and so he employs variables describing homicides in the current and previous year as his instrumental variables.104 Analyzing the subset of variation in executions that is correlated with his instruments, **Zimmerman’s preferred estimate suggests that each execution saves 19 lives, and his reported 95% confidence interval ranges from 7 to 31 lives.** While we cannot test his identifying assumption (although we may be skeptical about it), we can test whether his results reflect chance, or a more fundamental correlation. **Using Zimmerman’s data, we reran his regressions so as to correct the standard error for clustering within states through time; we also estimated block-bootstrap standard errors. These exercises suggested that the true 95% confidence interval runs from each execution causing 23 homicides to each preventing 54 homicides.**

3.Turn: The death penalty kills innocents with 100% probability.

**Love 12.**How America's death penalty murders innocents. David A Love guardian.co.uk, Monday 21 May 2012. The Guardian. http://www.guardian.co.uk/commentisfree/cifamerica/2012/may/21/america-death-penalty-murders-innocents.

**The US** criminal justice system is a broken machine that wrongfully **convicts innocent people**, **sentencing thousands of people** to prison or **to death** for the crimes of others, as a new study reveals. The University of Michigan law school and Northwestern University have compiled a new [National Registry of Exonerations](http://www.law.umich.edu/special/exoneration/Pages/about.aspx) – a database of over 2,000 prisoners exonerated between 1989 and the present day, when DNA evidence has been widely used to clear the names of innocent people convicted of rape and murder. Of these, 885 have profiles developed for the registry's website, [exonerationregistry.org](http://exonerationregistry.org/). The details are shocking. **Death row inmates were exonerated nine times more frequently than others convicted of murder.** One-fourth of those exonerated of murder had received a death sentence, while half of those who had been wrongfully convicted of rape or murder faced death or a life behind bars. Ten of the inmates went to their grave before their names were cleared. The [leading causes of wrongful convictions](http://www.usatoday.com/news/nation/story/2012-05-20/wrongful-convictions-exonerations/55098856/1) include perjury, flawed eyewitness identification and prosecutorial misconduct. For those who have placed unequivocal faith in the US criminal justice system and believe that all condemned prisoners are guilty of the crime of which they were convicted, the data must make for a rude awakening. "The most important thing we know about[**false convictions**](http://www.rawstory.com/rs/2012/05/21/death-row-inmates-exonerated-nine-times-more-often-than-other-prisioners-convicted-of-murder/) isthat they **happen and on a regular basis … Most false convictions never see the light of the day,"** said University of Michigan law professors Samuel Gross and Michael Shaffer, who wrote the study.

And this outweighs his recidivism impact because they are both of similar magnitude by the probability of my impact is much higher because murders might not kill when they leave jail.

# Wentachee 1ar-outsourcing cp

1. Perm: The USFG will value rehabilitation over retribution within the criminal justice system but after offenders are released from the criminal justice system, they will be offered voluntary rehabilitation from non-penal organizations.

The perm might still link to the da but it co-opts all of the solvency arguments.

2. Perm solves better than the cp alone-his solvency ev. says rehab works better outside of prison, but it doesn’t say it is net bad in prison which means it just adds more rehab.

# Wentachee 1ar-lead cp

1. Perm do the counterplan and the aff-Competition is not just about having a comparative way to solve-they need to prove that we can’t solve the issues in both ways at the same time in order for the cp to be competitive.

2. The cp doesn’t compete off of net benefits. The perm might still link to the da but that just means he can only leverage the da impacts. He doesn’t get access to crime impacts if the perm links to the da because it still solves the crime arguments.

# Wentachee 1ar-nukes da

1. Death penalty directly trades off with state spending for schools.

**Barnes 10**. Just or Not, Cost of Death Penalty Is a Killer for State Budgets By [Ed Barnes](http://www.foxnews.com/archive/author/ed-barnes/index.html) Published March 27, 2010 FoxNews.com <http://www.foxnews.com/us/2010/03/27/just-cost-death-penalty-killer-state-budgets/#ixzz2MgTNJILY>

**Every time a killer is sentenced to die, a school closes**. **That is the** broad **assessment of a growing number of studies taking** a cold, hard **look at how much the death penalty costs in** the **35 states** that still have it. Forget justice, morality, the possibility of killing an innocent man or any of the traditional arguments that have been part of the public debate over the death penalty. The new one is this: The cost of killing killers is killing us. "There have been studies of costs of the death penalty before, but we have never seen the same reaction that we are seeing now," says Richard C. Dieter of the non-partisan Death Penalty Information Center. "Perhaps it is because governments are looking for ways to cut costs, and this is easier than school closings or layoffs, but it sure has hit a nerve." In the last year, four states — Kansas, Colorado, Montana and Connecticut — have wrestled with the emotional and politically charged issue. In each state there was a major shift toward rejection of the death penalty and narrow defeats for legislation that would have abolished it. In Connecticut, both houses actually voted in favor of a bill that would have banned executions, but the governor vetoed it. Unlike past debates over executions, the current battles are fueled largely by the costs the death penalty imposes on states. The numbers, according to the studies, are staggering. Overall, according to Dieter, the **studies** have **uniformly and conservatively show**n **that a death-penalty trial costs $1 million more than one in which prosecutors seek life without parole.** That expense is being reexamined in the current budget crisis, with some state legislators advocating a moratorium on death-penalty trials until the economy improves. An Urban Institute study of Maryland's experience with the death penalty found that a single death-penalty trial cost $1.9 million more than a non-death-penalty trial. Since 1978, the cost to taxpayers for the five executions the state carried out was $37.2 million dollars — each. Since 1983, taxpayers in New Jersey have paid $253 million more for death penalty trials than they would have paid for trials not seeking execution — but the Garden State has yet to execute a single convict. Of the 197 capital cases tried in New Jersey, there have been 60 death sentences, the report said, and 50 of the those convictions were overturned. There currently are 10 men on the state's death row. A recent Duke University study of North Carolina's death penalty costs found that the state could save $11 million a year by substituting life in prison for the death penalty. An earlier Duke study found that the state spent $2.1 million more on a death penalty case than on one seeking a life sentence. The Tennessee Comptroller of the Currency recently estimated that death penalty trials cost an average of 48 percent more than trials in which prosecutors sought life sentences. It was much the same story in Kansas. A state-sponsored study found that death penalty cases cost 70 percent more than murder trials that didn't seek the death penalty. A Florida study found the state could cut its costs by $51 million simply by eliminating the death penalty. But no state matches the dilemma of California, where almost 700 inmates are sitting on death row and, according to Natasha Minsker, author of a new report by the Northern California chapter of the [American Civil Liberties Union](http://www.foxnews.com/topics/politics/aclu.htm#r_src=ramp), few will ever actually be put to death. In fact, she says, the odds against being executed are so great, murder suspects in **California** actually seek the death penalty because it is the only way to get a single room in the state's prison system. "Only 1 percent of people sentenced to death in California in the last 30 years have been executed," Minsker said. "The death penalty in California is purely a symbolic sentence." Her study found that the cash-strapped state **could immediately save $1 billion by eliminating the death penalty and imposing sentences of life without parole.** The alternative, if the cash-strapped state keeps the death penalty: spend $400 million to build a new death-row prison to house the growing number of prisoners. Minsker said just keeping prisoners on death row costs $90,000 more per prisoner per year than regular confinement, because the inmates are housed in single rooms and the prisons are staffed with extra guards. That money alone would cut $63 million from the state budget. But other savings would ripple through every step of the criminal justice system as well, from court costs to subsidized spending for defense attorney and investigation expenses. Will the economic slump and every state's need to cut budgets have an impact? Death penalty opponents say the recession has given their effort a new, non-political reason for abolition that resonates on both sides of the debate. But Professor Paul Cassell, the Ronald N. Boyce Presidential Professor of Criminal Law at the University of Utah and a death penalty expert, says that major changes are not likely to occur soon.

2. Budget allocation in California empirically proves.

**Sankin 12**.[California Spending More On Prisons Than Colleges, Report Says, Posted: 09/06/2012 8:47 pm Updated: 09/08/2012 4:32 pm,<http://www.huffingtonpost.com/2012/09/06/california-prisons-colleges_n_1863101.html> Aaron Sankin ]

**There's a direct relationship between how much money the Golden State spends on prisons and how much it spends on higher education, according to a report put out by the non-partisan public policy group [California Common Sense](http://www.cacs.org/" \t "_hplink). When one goes up, the other goes down.** And, at least in California, the former has been going up a lot more than the latter.

3. Education is an independent impact and it’s also key to the economy and improving technology.

**Bernanke** Chairman Ben S. At the U.S. Chamber Education and Workforce Summit, Washington, D.C. September 24, 2007

Education imparts significant benefitsboth to our society and the individuals who pursue it. Economists have long recognized that the skills of the workforce are an important source of economic growth. Moreover, as the increase over time in the returns to education and skill is likely the single greatest cause of the long-term rise in economic inequality, policies that lead to broad **investments in education** and training can help reduce inequality while **expand**ing **economic opportunity** (Bernanke, 2007). But the benefits of education are more than economic. A substantial body of evidence demonstrates that **more-highly-educated individuals are happier on average,** make better personal financial decisions, suffer fewer spells of unemployment, **and enjoy better health.** Benefiting society as a whole, educated individuals are more likely to participate in civic affairs, volunteer their time to charities, and subscribe to personal values--such as tolerance and an appreciation of cultural differences--that are increasingly crucial for the healthy functioning of our diverse society (Glaeser, Ponzetto, and Shleifer, 2006; Dee, 2004). **From a macroeconomic standpoint, education is important because it is** so directly **linked to productivity**, which, in turn, is the critical determinant of the overall standard of living. The Bureau of Labor Statistics estimates that, between 1987 and 2006, ongoing improvement in the education and experience of the U.S. workforce contributed 0.4 percentage point per year to the increase in nonfarm business labor productivity (U.S. Department of Labor, 2007), a significant amount. These estimates are however conservative in that they hold fixed other sources of productivity growth, such as the accumulation of various forms of capital and the advance of technology; but workers’ skills certainly contribute indirectly to productivity growth by affecting these other factors as well. For example, the state of **technology is affected** both **by the creativity and knowledge of scientists and engineers engaged in** formal research and **development as well as by the efforts of skilled workers** on the shop floor **who find more efficient ways to accomplish a given task.** Managers who develop a new business plan or find new ways to use evolving technologies can also be thought of as adding to the “intangible,” or knowledge-based, capital of the firm, which by some estimates is comparable in importance to physical capital such as factories and equipment (Corrado, Hulten, and Sichel, 2006)4. U.S. economic strength prevents china war.

HSU 11-[“Economic Ties Could Help Prevent US-China War” Jeremy Hsu, Innovation NewsDaily Senior Writer; 01 November 2011 05:32 PM ET;

http://www.innovationnewsdaily.com/660-china-military-cyber-national-security.html]

As the U.S. faces China's economic and military rise, it also holds a dwindling hand of cards to play in the unlikely case of open conflict. Cyberattacks aimed at computer networks, targeted disabling of satellites or economic warfare could end up bringing down both of the frenemies**.** Thatmeans ensuring the U.S. economy remains strong and well-balanced, with China's economy possibly representing the best deterrent, according to a new report. The Rand Corporation's analysts put low odds on a China-U.S. military conflict taking place, but still lay out danger scenarios where **the U.S. and China face** greater **risks** of stumbling into an unwanted war with one another**.** Theypoint to the **economic codependence of both countries [is]** as **the best bet against open conflict,** similar to how nuclear weapons ensured mutually assured destruction for the U.S. and Soviet Union during the Cold War. War Militaria Collectors www.JCAmericana.comWe Buy War Artifacts & Militaria Free Appraisals for AuthenticityLearn German in 10 Days PimsleurApproach.com/Learn-GermanWorld-famous Pimsleur Method. As seen on PBS - $9.95 w/ Free S&H.VA Home Loan for Veterans www.VAMortgageCenter.comGet a Quote in 2 Minutes! VA Loans now Up to $729,000 with $0 Down. Ads by Google "It is often said that a strong economy is the basis of a strong defense," the Rand report says. "In the case of China, **a strong** **U.S. economy** is not just the basis for a strong defense, it **is itself perhaps the best defense against an adventurous China**." Such "**mutually assured economic destruction" would devastate both the U.S. and China**, given how China represents America's main creditor and manufacturer. The economic fallout could lead to a global recession worse than that caused by the financial crisis of 2008-2009. The U.S. still spends more than five times on defense compared with China, but Rand analysts suggest that China's defense budget could outstrip that of the U.S. within the next 20 years. The U.S. Air Force and Navy's current edge in the Pacific has also begun to shrink as China develops aircraft, ships, submarines and missiles capable of striking farther out from its coast. Existing U.S. advantages in cyberwar and anti-satellite capabilities also don't offset the fact that the U.S. military depends far more heavily on computer networks and satellites than China's military. That makes a full-out cyberwar or satellite attacks too risky for the U.S., but perhaps also for China. "There are no lives lost — just extensive harm, heightened antagonism, and loss of confidence in network security," Rand analysts say. "There would be no 'winner.'" Open military conflict between China and the U.S. could also have "historically unparalleled" economic consequences even if neither country actively engages in economic warfare, Rand analysts say. The U.S. could both boost direct defense in the unlikely case of war and reduce the risk of escalation by strengthening China's neighbors. Such neighbors, including India, South Korea, Japan and Taiwan, also represent possible flashpoints for China-U.S. conflict in the scenarios laid out by the Rand report. Other possible danger zones include the South China Sea, where China and many neighboring countries have disputes over territorial claims, as well as in the murkier realm of cyberspace. Understandably, China has shown fears of being encircled by semi-hostile U.S. allies. That's why Rand analysts urged the U.S. to make China a partner rather than rival for maintaining international security. They also pointed out, encouragingly, that China has mostly taken "cautious and pragmatic" policies as an emerging world power. "As China becomes a true peer competitor, it also becomes potentially a stronger partner in the defense as well as economic field," the Rand analysts say.

5. U.S. china war causes extinction.

Takai (Mitsuo, retired colonel and former researcher in the military science faculty of the Staff College for Japan’s Ground Self Defense Force,“U.S.-China nuclear strikes would spell doomsday,” 2009. http://www.upiasia.com/Security/2009/10/07/us-china\_nuclear\_strikes\_would\_spell\_doomsday/7213/)

Tokyo, Japan — Those who advocate nuclear armaments, and are now raising their voices in Japan and elsewhere, should take a look at an objective analysis by U.S. scientists who have disclosed the results of several studies on strategic nuclear missile strikes. What would happen **if China launched its** 20 Dongfeng-5 **i[cbms]** ntercontinental ballistic missiles, each with a 5-megaton warhead, at 20 major U.S. cities? Prevailing opinion in Washington D.C. until not so long ago was that **the raids would cause** over **40 million casualties**, annihilating much of the United States. In order to avoid such a doomsday scenario, consensus was that **the U[S]**nited States **would have to eliminate this potential threat at its source** with preemptive strikes on China. But **cool heads at institutions such as the Federation of American Scientists and the National Resource Defense Council** examined the facts and produced their own analyses in 2006, which differed from the hard-line views of their contemporaries. The FAS and NRDC **developed several scenarios involving nuclear strikes over ICBM sites** deep **in** the Luoning Mountains in **China**’s western province of Henan, and analyzed their implications. One of the scenarios involved direct strikes on 60 locations – including 20 main missile silos and decoy silos – hitting each with one W76-class, 100-kiloton multiple independently targetable reentry vehicle carried on a submarine-launched ballistic missile. I**n order to destroy** the **hardened silos**, the **strikes would aim for maximum impact** by causing ground bursts near the silos' entrances. Using air bursts similar to the bombings of Hiroshima and Nagasaki would not be as effective, as the blasts and the heat would dissipate extensively. In this scenario, the **6 megatons of ground burst caused by the 60 attacks would create enormous mushroom clouds** over 12 kilometers high, composed **of radioactive** dirt and **debris.** Within 24 hours following the explosions, deadly fallout would spread from the mushroom clouds, driven by westerly winds toward Nanjing and Shanghai. They would contaminate the cities' residents, water, foodstuff and crops, causing irreversible damage. The impact of a 6-megaton nuclear explosion would be 360 times more powerful than the Hiroshima bomb, killing not less than 4 million people. Such massive casualties among non-combatants would far exceed the military purpose of destroying the enemy's military power. This would cause political harm and damage the United States’ ability to achieve its war aims, as it would lose international support. On the other hand, China could retaliate against U.S. troops in East Asia, employing intermediate-range ballistic missiles including its DF-3, DF-4 and DF-21 missiles, based in Liaoning and Shandong provinces, which would still be intact. If the United States wanted to destroy China's entire nuclear retaliatory capability, **U.S. forces would have to** **employ almost** **all their nuclear weapons,** causing catastrophic environmental hazards **that could lead to the annihilation of mankind.** Accordingly, the FAS and NRDC conclusively advised U.S. leaders to get out of the vicious cycle of nuclear competition, which costs staggering sums, and to promote nuclear disarmament talks with China. Such advice is worth heeding by nuclear hard-liners.

And go to their arguments

1. Missing internal link-no foreign person of power every saying that they care about the death penalty in relation to nuclear deterrence.

2. Their scenario is non-unique In the squo the death penalty is a state issue and some states ban it. The federal government which controls nuclear deterrence doesn’t control the retributive nature of the death penalty.

3. prefer my nuclear deterrence scenario

A: Strength of link-Hsu 11 identifies the economy as a specific thing that would cause war that could go nuclear in the first place. They are missing that link.

B: specificity-my ev talks about a specific scenario for war whereas theirs is generic. They can’t prove that those wars are between countries that could even hold their own in a nuclear war against the U.S. like China could.

And they will say they have a North Korea link, but the Yin ev. doesn’t say North Korea is deterred by retributivism so they don’t have a specific scenario.

# Greenhill-ac

1. The original position maximizes efficiency and increases trust by decreasing mutual suspicion.

**Wenar**, Leif, "John Rawls", The Stanford Encyclopedia of Philosophy (Fall 2008 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/fall2008/entries/rawls/>.

Moreover, **Rawls says, a society governed by his two principles has other advantages over a utilitarian society. Securing equal basic liberties for all encourages a spirit of cooperation among citizens on the basis of mutual respect, taking divisive conflicts about whether to deny liberties to certain groups off of the political agenda.** By contrast **a utilitarian society would be riven by mutual suspicions, as different groups put forward highly speculative arguments that average utility could be increased by implementing various partisan policies. The two principles, by requiring permanent equal liberties for all, increase social harmony by making it much easier for justice to be seen to be done.** The balance of considerations in favor of the two principles over average utility is, Rawls claims, decisive.

2. Neg must defend that retribution ought to be valued above rehabilitation. They cannot defend a counterplan that does something else or permissibility.

A-reciprocity-the converse is the definition of reciprocal because it gives the neg a burden of proof too. They also have to prove their advocacy is good.

Moreover,

Granting permissibility and the converse gives the neg 2 ways to win whereas I can only prove obligation. They have a quantitative ground benefit.

B-predictability-my interp most predictable because it is the exact opposite of the aff. There are infinite amounts of cps the neg can advocate which means I have a higher research burden than them.

3. Neg must concede to the aff framework if it is theoretically legitimate

A-Time skew-they can make 7 minutes of preclusive framework arguments which would nullify 6 minutes of Aff framing and offense.

B-Topic education-framework debate forces us to have the same rehashed philosophy debates with the same cards over and over again. Only my interp forces them to talk about the topic.

C-Philosophical education-We get to learn how topic arguments interact with different philosophical frameworks when we use the aff framework every round. The same rehashed philosophy debates are not as philosophically educational as debating the links between applied philosophy and normative frameworks.

And

Counter-interps that say they must be able to contest the framework are not actually offensive. The mandate of that counter-interp is arbitrary and not justified by generic standards contestation. They have to win neg gets rvis for that argument to matter.

4. My framework no links counter-plans because we can’t know empirical considerations about what works in the original position.

# Greenhill-1ar legal legitimacy

1. non-unique-rehab deters too because it’s punishment.

**Daly**, Kathleen. “Revisiting the Relationship between Retributive and Restorative Justice” in Restorative Justice: From Philosophy to Practice (2000), edited by Heather Strang and John Braithwaite. Aldershot: Dartmouth. Web. (10))

**Another way to define punishment** practices **is anything that is unpleasant**, a burden, or an imposition of some sort on an offender. **Thus, compensation is a punishment, as is having to attend a counselling program**, paying a fine, or having to report to a probation officer on a regular basis (see, more generally, Duff 1992, 1996; Davis 1992). This is, in my view, a better way to define punishment. If this more inclusive definition were used**, it would be impossible to eliminate the idea of punishment from a restorative response to crime**, even when a meaningful nexus is drawn between an offence and the ways that an offender can "make amends" to a victim.10

2. Turn: Rehab reduces recidivism.

**Lipsey** Mark W. [Director of Center for Evaluation Research and Methodology and Senior Research Associate at Vanderbilt Institute for Public Policy, PhD in Psychology from John Hopkins University] and Francis T. Cullen [Professor at School of Criminal Justice at University of Cincinnati] “The Effectiveness of Correctional Rehabilitation: A Review of Systematic Reviews” Annual Review of Law and Social Sciences (Jul 5 2007)

The most general result available from these meta-analyses is an estimate of the overall mean effect size across diverse samples of studies of different rehabilitation treatments applied to general offender samples. **The major meta-analyses** of that sort which focus on recidivism outcomes for adjudicated offenders are summarized in Table 2. As shown there, every one of these meta-analyses **found** mean **effect sizes favorable to treatment** **and** none found less than a 10% average reduction in recidivism. **Most of their mean effect sizes represent recidivism reductions in** **the 20% range**, varying upward to nearly 40%. It is especially notable that there is no overlap in the range of mean effect sizes found in meta-analysis of rehabilitation treatment and that found for meta-analyses of the effects of sanctions and supervision (Table 1, earlier). The smallest mean recidivism effect size found in any meta-analysis of a general collection of rehabilitation studies is bigger than the largest one found by any meta-analysis of the effects of sanctions.

And

Retribution increases recidivism.

**Lipsey** Mark W. [Director of Center for Evaluation Research and Methodology and Senior Research Associate at Vanderbilt Institute for Public Policy, PhD in Psychology from John Hopkins University] and Francis T. Cullen [Professor at School of Criminal Justice at University of Cincinnati] “The Effectiveness of Correctional Rehabilitation: A Review of Systematic Reviews” Annual Review of Law and Social Sciences (Jul 5 2007)

A second area of research has examined the impact of prison sentences on recidivism. As Levitt (2002, p. 443) noted, “it is critical to the deterrence hypothesis that longer prison sentences be associated with reductions in crime.”However, the results are not supportive of the view that incarceration dissuades offenders from reoffending after they are released. Sampson and Laub’s (1993) longitudinal study using the Gluecks’ Boston-area data showed that **imprisonment increased recidivism by weakening social bonds** (e.g., decreased job stability). Using a matched sample of felony offenders in California, Petersilia et al. (1986) found that **those sent to prison had higher recidivism rates than those placed on probation**. More recently, Spohn & Holleran (2002) found a similar result for a sample from Jackson County, Missouri. Studies from Canada (Smith 2006) and the Netherlands (Nieuwbeerta 2007) also show a criminogenic effect of imprisonment. As might be anticipated, none of the meta-analyses of 8 studies of this sort (summarized in Table 1) found mean recidivism reductions for correctional confinement. The two meta-analyses that found essentially zero effects focused on boot camps, which feature relatively short term custodial care. **Those summarizing studies of incarceration** compared with community supervision or longer prison terms compared with shorter ones **all found that the average effects were increased recidivism.**

And Recidivism outweighs deterrence:

A: verifiability-deterrence can’t be verified only my evidence is empirical.

B: resources-Efforts towards deterrence require more resources because there is no measurable way to know if deterrence is working so the government overcompensates.

3.turn: Rehab deters by solidifying communal norms against crime.

**Frederiksen**, Erica. "Punishment and Political Community: Restorative Justice and the Project of Criminal Justice Reform"*Paper presented at the annual meeting of the APSA 2008 Annual Meeting, Hynes Convention Center, Boston, Massachusetts*, Aug 28, 2008 <Not Available>. 2012-06-22<http://www.allacademic.com/meta/p278156_index.html>

At the societal level, the current system’s failure to give adequate consideration to the needs and interests of victims and offenders is thought to contribute to a further unravelling of the social fabric. Many proponents of the restorative approach cite Nils Christie, a critical criminologist whose work has been a major influence on the restorative justice movement, as they draw attention to the role of individual and community participation in criminal justice in fostering strong social ties. 45 **Rejecting the dominant view that crime is something only to be controlled**, **Christie sees** **crime** first and foremost as a site of conflict between two people; as such, he views it not as a social threat, but **as an opportunity to cultivate positive social engagement between citizens.** Such moments are crucial to offsetting the social segmentation and depersonalization afflicting modern industrial societies: **they provide occasions for citizens to become active participants in their communities** through “tasks that are of immediate importance to them;” 46 **they perform an important pedagogical function, clarifying and solidifying shared norms and values by pushing citizens into “a continuous discussion of what represents the law** of the land;” 47 and they are opportunities for personalized encounters, in which both parties can begin to defeat their misconceptions and stereotypes about the other and develop reparative solutions tailored to the specifics of the offence and its consequences. Modern criminal justice, as it currently functions, robs citizens of these crucial opportunities by encouraging lawyers, social workers and other experts involved in the legal system to “steal” conflicts from those who have a rightful claim to them. What began as a conflict between two people is transformed, through the institutions and practices of the criminal law, into a conflict between a person and the state, mediated by experts, which results in the victim and offender being pushed to the sidelines of a process ostensibly instituted to protect their interests.

# Greenhill-1ar Trust

1. Turn-Retributivism create less trust because people are afraid of receiving harsh punishment when they are innocent. That was empirically verified during the Troy Davis trial.

2. Turn: Rehab creates more trust by solidifying communal norms.

**Frederiksen**, Erica. "Punishment and Political Community: Restorative Justice and the Project of Criminal Justice Reform"*Paper presented at the annual meeting of the APSA 2008 Annual Meeting, Hynes Convention Center, Boston, Massachusetts*, Aug 28, 2008 <Not Available>. 2012-06-22<http://www.allacademic.com/meta/p278156_index.html>

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# Greenhill-1ar-outsourcing cp

1. Perm-Do the aff and offered rehabilitation outside of the realm of the criminal justice system one the offender is released.

2. Solvency deficit-Not everyone will accept the rehabilitation outside of prison.

3. solvency deficit-not every jurisdiction in the U.S. has adequate resources to fund quality post-cjs rehab. Their solvency evidence doesn’t account for jurisdictional differences.

Neg advocacies must have the same agent as the aff.

Violation: they say use actors outside of the cjs.

A-Reciprocal fiat power: Neg gets greater fiat power when they can specify another agent. They can always find an alternative actor with a marginal net benefit while I must use the U.S. cjs to be topical. This makes it impossible to affirm because the neg can always change the actor and co-opt all of the aff advantages.

B-Real world-There is no position that the judge could adopt in the real world where they would be choosing between two different actors to take an action. It would be illogical to have a debate about competing advocacies that would never compete in the real world.

# Greenhill-1ar-confinement model cp

1.Perm-Use the confinement model and use rehab in prison.

2. Solvency deficit-their evidence doesn’t say crime actually goes down

3. No solvency-endorse doesn’t mean implementation.

**Merriam Webster**. <http://www.merriam-webster.com/dictionary/endorse>

**to approve openly** <endorse an idea>; especially : **to express support** or approval of publicly and definitely<endorse a mayoral candidate>

4. turn: Rehab deters by solidifying communal norms against crime.

**Frederiksen**, Erica. "Punishment and Political Community: Restorative Justice and the Project of Criminal Justice Reform"*Paper presented at the annual meeting of the APSA 2008 Annual Meeting, Hynes Convention Center, Boston, Massachusetts*, Aug 28, 2008 <Not Available>. 2012-06-22<http://www.allacademic.com/meta/p278156_index.html>

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5. Crime doesn’t destroy any social messages-it’s still punishment

**Daly**, Kathleen. “Revisiting the Relationship between Retributive and Restorative Justice” in Restorative Justice: From Philosophy to Practice (2000), edited by Heather Strang and John Braithwaite. Aldershot: Dartmouth. Web. (10))

**Another way to define punishment** practices **is anything that is unpleasant**, a burden, or an imposition of some sort on an offender. **Thus, compensation is a punishment, as is having to attend a counselling program**, paying a fine, or having to report to a probation officer on a regular basis (see, more generally, Duff 1992, 1996; Davis 1992). This is, in my view, a better way to define punishment. If this more inclusive definition were used**, it would be impossible to eliminate the idea of punishment from a restorative response to crime**, even when a meaningful nexus is drawn between an offence and the ways that an offender can "make amends" to a victim.10

# Greenhill 1ar-sentencing reform

1. Perm: The USFG should value rehab over retribution by changing sentencing guidelines to eliminate mandatory prison terms, decriminalizing drugs, prohibiting re-incarceration for technical violations of probation or parole, abolishing inhumane prison conditions, and individualizing sentences of offenders based on blameworthiness

Neg advocacies must be advocated by a singular solvency advocate. It may not be advocated as a result of the combination of multiple solvency advocates.

# Brentwood-ac

1. Neg must concede to the aff framework if it is theoretically legitimate

A-Time skew-they can make 7 minutes of preclusive framework arguments which would nullify 6 minutes of Aff framing and offense.

B-Topic education-framework debate forces us to have the same rehashed philosophy debates with the same cards over and over again. Only my interp forces them to talk about the topic.

C-Philosophical education-We get to learn how topic arguments interact with different philosophical frameworks when we use the aff framework every round. The same rehashed philosophy debates are not as philosophically educational as debating the links between applied philosophy and normative frameworks.

And

Counter-interps that say they must be able to contest the framework are not actually offensive. The mandate of that counter-interp is arbitrary and not justified by generic standards contestation. They have to win neg gets rvis for that argument to matter.

2. Neg must concede that I meets and net-beneficial counter-interpretations to procedurals are an rvi for the aff.

A: checks abusive theory-Neg won’t run theory unless I’m actually abusive if there’s a conceded rvi going into the NC. Allowing them to argue about it links into the argument because it proves they’re not sure if the abuse is actually there and want to hedge their bet by winning RVIs bad.

B: Reciprocity-just because it’s a framing issue doesn’t mean it can’t be unfair. If there’s no turn ground on the argument it’s functionally a nib. Theory itself is abusive unless it’s an rvi

And

They will say this justifies running an abusive aff to go for the rvi in the 1ar, but if my aff is actually abusive then I wouldn’t be able to win that debate.

3. T is not a voting issue it’s a no link argument-I advocate the resolution which means definition issues related to my offense proves that the offense doesn’t link to my advocacy. They have no T ground.

4. Arbitrariness affirms because harsh sentences are random by not considering the offender and rehab is least arbitrary because it is intentionally created to adapt to the offender.

5. Neg must defend a counteradvocacy with a text that contains offensive arguments that link to a standard. The advocacy must be defended unconditionally and must be advocated by a solvency advocate.

A-reciprocity-Neg advocacies are the definition of reciprocal because it gives the neg a burden of proof too. They also have to prove their advocacy is good.

and,

Pure truth testing gives the neg infinite assumptions to disprove whereas I must prove the rez true. They have a quantitative ground benefit.

And

Forcing offense to link to a standard is reciprocal because aff offense already only links to a standard. This is a question of actual abuse.

B- Stable ground-I can’t know what I’m arguing against if there is no text to it. They can always sever my arguments if they don’t defend a text by shifting their advocacy in the nr.

C-topic lit-without an empirical solvency advocate I can’t make comparative arguments about how the aff would solve better than their advocacy which means they can always rely on speculative claims.

# La Jolla-ac

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And he disclosed on the ndca wiki the he reads afc. Don’t let him read a counter-interp to enforce community norms. Forcing theory to be genuine creates norms that will create more consistent judging based on interps that prove they are more fair and educational.

2.The Rawlsian formulation co-opts warrants for utilitarianism and contract based arguments

**Wenar**, Leif, "John Rawls", The Stanford Encyclopedia of Philosophy (Fall 2008 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/fall2008/entries/rawls/>.

Moreover, **Rawls says, a society governed by his two principles has other advantages over a utilitarian society. Securing equal basic liberties for all encourages a spirit of cooperation among citizens on the basis of mutual respect, taking divisive conflicts about whether to deny liberties to certain groups off of the political agenda.** By contrast **a utilitarian society would be riven by mutual suspicions, as different groups put forward highly speculative arguments that average utility could be increased by implementing various partisan policies. The two principles, by requiring permanent equal liberties for all, increase social harmony by making it much easier for justice to be seen to be done.** The balance of considerations in favor of the two principles over average utility is, Rawls claims, decisive.

3. and-existential risk arguments based on agnosticism are irrelevant because the deliberation isn’t by actual humans it is by hypothetical contractors.

4. The original position co-opts warrants for deontology.

**Freeman 2** , Samuel, "Original Position", The Stanford Encyclopedia of Philosophy (Spring 2009 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/spr2009/entries/original-position/>.

In A Theory of Justice Rawls provides a “Kantian Interpretation” of the original position and the principles of justice (TJ, §§40, 78). The Kantian interpretation is the first step towards Rawls's Kantian constructivism (CP, Ch. 16), and his later political constructivism (PL, Ch. 3). Rawls says that for Kant, “a person is acting autonomously when the principles of his action are chosen by him as the most adequate possible expression of his nature as a free and equal rational being” (TJ, 252/222). **What is missing from Kant**, Rawls says, **is an attempt to show how moral principles express our nature. “This defect is made good [by] the original position”** (TJ, 255/224). **The original position can be interpreted as a “procedural interpretation” of our nature as free and equal rational beings, and therewith of Kant's conception of autonomy and the categorical imperative** (TJ, 256/226). For **in the original position, because of the veil of ignorance and other moral constraints, the parties' choice is made “independent of natural contingencies and accidental social circumstances”** (TJ, 515/451); thus the principles of justice are not chosen “heteronomously,” on the basis of our social position, natural endowments, particular wants, or the particular kind of society we live in (TJ, 252/222). Instead, the parties are all represented in the same way, as free and equal rational persons who choose principles of justice subject to all relevant moral conditions. Rawls says that the original position might thus be regarded as incorporating “conditions that best express their nature as free and equal rational beings.” On a Kantian view, our moral nature is defined by our capacities for practical reasoning.. These are our capacities to be rational and reasonable. The moral powers are the relevant capacities of practical reasoning in so far as they bear on justice. “**Acting autonomously is acting from principles that we would consent to as free and equal rational beings”** (TJ, 516/453). The description of **the original position expresses** “**what it means to be a free and equal rational being,”** and even “resembles the point of view of noumenal selves” (TJ, 255-256/225)

# La jolla-1ar deontology

Turn: Retribution violates human dignity which is a prerequisite to treating offenders as rational ends. This also means it outweighs.

**Steiker** The Death Penalty and Deontology Carol S.. <https://orgs.law.ucla.edu/LTW/Documents/Week%201%20-%20Readings/Steiker%20-%20The%20Death%20Penalty%20and%20Deontology.pdf>. In John Deigh & David Dolinko (eds.), The Oxford Handbook of the Philosophy of the Criminal Law. Oxford University Press (2011)

This essay started with the widely shared moral intuition that **some punishments are “clearly morally repugnant**” even when they do not exceed what offenders might be said to deserve as proportional to their wrongdoing.53 52 See Hegel, The Philosophy of Right, supra note 4. **We do not**, after all, **rape rapists** or torture torturers. Why might this be so? **Kant himself suggested** a rationale for this forbearance in **his rejection of rape as a punishment** for rapists and his further insistence that the imposition of the death penalty on **an offender “must be kept free from all maltreatment that would make the humanity suffering in his Person loathsome** or abominable. **This injunction seems premised on** a respect for what Kant calls “the humanity” of people or what many current moral theorists call **human “dignity.”** Kant treats this principle as part and parcel of retributivism, derived from the same well-spring of respect for the distinctive capacities of human beings that requires their punishment for wrongdoing. But there is some obvious tension between requiring punishment commensurate with desert while at the same time forbidding “maltreatment” that degrades human dignity. Kant did not appear troubled by this potentially far-reaching contradiction, and he clearly found nothing wrong with the punishment of death for murder (or for that matter, of castration for rape!). However, other moral and legal theorists have attempted to elaborate Kant’s defense of dignity so as to move the death penalty to the rape and torture side of the prohibitory line. Jeffrie Murphy develops a very tentative and ambivalent case for opposing capital punishment on dignitary grounds. He acknowledges that some images of the imposition of the death penalty seem dehumanizing, but suggests that perhaps death is not inevitably or intrinsically brutal and dehumanizing, contrasting the harrowing description of the imposition of the death penalty in Truman Capote’s In Cold Blood with the dignified, self-administered execution of Socrates depicted in Plato’s Phaedo Thus, in Murphy’s view, death is different from (not as degrading as) torture, because torture “is a process whose very point is to reduce [a person] to a terrified, defecating, urinating, screaming animal.”56 Nonetheless, Murphy’s recognition that the punishment of death eradicates the executed offender’s opportunity for any further moral development leads him to reconsider whether capital punishment can truly be squared with human dignity: “[I]t is by no mean’s clear that one can show respect for the dignity of a person as a person if one is willing to interrupt and end his most uniquely human capacities and projects.”57 But Murphy’s embrace of his own reasoning is only tentative (“there is perhaps a case to be made that the punishment of death is degrading after all”58); he places primary emphasis on his argument from arbitrariness.59 Jeffrey Reiman takes up the human dignity banner in developing an account of why capital punishment is a “horrible thing,” like torture, that civilized societies should forswear. He argues that executions share two features that render torture “especially awful” – “intense pain and the spectacle of one human being completely subject to the power of another.”60 Moreover, Reiman submits that knowledge of an impending execution provokes a particularly intense kind of psychological pain; he explains that a “humanly caused” and “foreseen” death lacks “the consolation of unavoidability” that accompanies death from natural causes and adds the “terrible consciousness of . . . impending loss.”61 Reiman thus concludes that forgoing the death penalty “is an advance in civilization” at least “as long as our lives are not thereby made more dangerous”62 56 Id. at p. 233. (that is, so long as there is no clear proofthat the death penalty is “a better deterrent to the murder of innocent people than life in prison”6 Reiman’s argument from dignity, while less ambivalent about the special awfulness of the death penalty than Murphy’s, is more contingent in that it recognizes a consequentialist override of the dignitary case against capital punishment.

# La Jolla-ptx link turn-needs non-uniqueness

Turn: Rehab is popular.

**Krisberg 6**. Attitudes of US Voters toward Prisoner Rehabilitation and Reentry Policies Barry Krisberg, PhD Susan Marchionna. <http://www.sdgrantmakers.org/members/downloads/2006april_focus_zogby.pdf>. April 2006.

**By almost an 8 to 1 margin** (87% to 11%), **the US voting public is in favor of rehabilitative services for prisoners as opposed to a punishment-only** system. Of those polled, 70% favored services both during incarceration and after release from prison.

Turn: Winners win-passing controversial legislation increases pol. Cap. Empirically proven for Obama who passed healthcare and pulled out of Iraq after the stimulus.

Singer 9 (Jonathan -- senior writer and editor for MyDD. Singer is perhaps best known for his various interviews with prominent politicians. His interviews have included John Kerry, Walter Mondale, Bob Dole, Michael Dukakis, and George McGovern, Barack Obama, John Edwards, and Tom Vilsack. He has also also interviewed dozens of senatorial, congressional and gubernatorial candidates all around the country. In his writing, Singer primarily covers all aspects of campaigns and elections, from polling and fundraising to opposition research and insider rumors. He has been quoted or cited in this capacity by Newsweek, The New York Times, USA Today, The Politico, and others. My Direct Democracy, 3-3-09, <http://www.mydd.com/story/2009/3/3/191825/0428>)

From the latest NBC News-Wall Street Journal survey: Despite the country's struggling economy and vocal opposition to some of his policies, President Obama's favorability rating is at an all-time high. Two-thirds feel hopeful about his leadership and six in 10 approve of the job he's doing in the White House. "What is amazing here is how much political capital Obama has spent in the first six weeks," said Democratic pollster Peter D. Hart, who conducted this survey with Republican pollster Bill McInturff. "And against that, he stands at the end of this six weeks with as much or more capital in the bank." Peter Hart gets at a key point. Some believe that political capital is finite, that it can be used up. To an extent that's true. But it's important to note, too, that political capital can be regenerated -- and, specifically, that when a President expends a great deal of capital on a measure that was difficult to enact and then succeeds, he can build up more capital. Indeed, that appears to be what is happening with Barack Obama, who went to the mat to pass the stimulus package out of the gate, got it passed despite near-unanimous opposition of the Republicans on Capitol Hill, and is being rewarded by the American public as a result. Take a look at the numbers. President Obama now has a 68 percent favorable rating in the NBC-WSJ poll, his highest ever showing in the survey. Nearly half of those surveyed (47 percent) view him very positively. Obama's Democratic Party earns a respectable 49 percent favorable rating. The Republican Party, however, is in the toilet, with its worst ever showing in the history of the NBC-WSJ poll, 26 percent favorable. On the question of blame for the partisanship in Washington, 56 percent place the onus on the Bush administration and another 41 percent place it on Congressional Republicans. Yet just 24 percent blame Congressional Democrats, and a mere 11 percent blame the Obama administration. So at this point, with President Obama seemingly benefiting from his ambitious actions and the Republicans sinking further and further as a result of their knee-jerked opposition to that agenda, there appears to be no reason not to push forward on anything from universal healthcare to energy reform to ending the war in Iraq.

# Harvard Westlake-ac

1.morality comes before ontology.

BiskowskLawrence J. i, Assistant Professor of Political Science at the University of Georgia, 1995, Politics Versus Aesthetics: Arendt’s Critiques of Nietzsche and Heidegger, The Review of Politics, Vol. 57, No. 1, Winter 1995, pg 64-66

This turn inward and toward the self, surely the product of ¶ liberating insights, is not without its dangers. To the extent that ¶ the aesthetic supersession of morality means that individuals are ¶ thrown back on themselves or their impulses as their only grounds ¶ for practical choices, they are left in a state of indeterminacy and ¶ unfreedom, ultimately unable to determine even their own ¶ identities except in one rather limited way. In the absence of ¶ legitimate moral criteria of any source or kind, they are in effect ¶ controlled by changing whims and arbitrary impulses; they ¶ confront other people and the world in much the same way that a ¶ sculptor confronts a block of marble, that is, as (at least) potential ¶ sources of aesthetic enjoyment, as potential sources of resistance ¶ to the realization of one's project(s), and ultimately as something ¶ that exists solely or mainly as a medium for self-expression. As ¶ Hegel described an earlier version of this doctrine: ¶ [t]his type of subjectivism not merely substitutes a void for the whole of ¶ ethics, rights, duties, and laws...but in addition its form is a subjective ¶ void, i.e., it knows itself as this contentless void and in this knowledge ¶ knows itself as absolute.13 ¶ For Hegel, freedom under these conditions was emptied of all ¶ direction and purpose. Perhaps more startling yet are the other ¶ political (and moral) implications: Laws, rights, duties, and obli- ¶ gations, but also people, institutions, things, and the world itself ¶ can become our playthings, little more than media for our im- ¶ pulses and caprices lionized as self-expression

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C-Philosophical education-We get to learn how topic arguments interact with different philosophical frameworks when we use the aff framework every round. The same rehashed philosophy debates are not as philosophically educational as debating the links between applied philosophy and normative frameworks.

And

Counter-interps that say they must be able to contest the framework are not actually offensive. The mandate of that counter-interp is arbitrary and not justified by generic standards contestation. They have to win neg gets rvis for that argument to matter.

3. Neg must defend a counteradvocacy with a text that contains offensive arguments that link to a standard. The advocacy must be defended unconditionally and must be advocated by a solvency advocate.

A-reciprocity-Neg advocacies are the definition of reciprocal because it gives the neg a burden of proof too. They also have to prove their advocacy is good.

and,

Pure truth testing gives the neg infinite assumptions to disprove whereas I must prove the rez true. They have a quantitative ground benefit.

And

Forcing offense to link to a standard is reciprocal because aff offense already only links to a standard. This is a question of actual abuse.

B- Stable ground-I can’t know what I’m arguing against if there is no text to it. They can always sever my arguments if they don’t defend a text by shifting their advocacy in the nr.

C-topic lit-without an empirical solvency advocate I can’t make comparative arguments about how the aff would solve better than their advocacy which means they can always rely on speculative claims.

4.Neg offense must be either post-fiat or pre-fiat. They may not have impacts to both.

A-stable world- neg can pick which world it goes for in the next speech, so aff arguments have to be tailored to specifically either the post-fiat scenarios or the pre-fiat. I need a stable reference world for impact comparison and offensive argumentation.

B-Reciprocity-aff makes no pre-fiat claims which means that they can artificially create a reason for why their offense comes first.